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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/202,096    02/01/99    HADDLETON    D    102290

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IM62/1219

EXAMINER

HARLAN, R

ART UNIT

PAPER NUMBER

1713

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/202,096

Applicant(s)

HADDLETON, DAVID MARK

Examiner

Robert D. Harlan

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8,10-16 and 19-22 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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**DETAILED ACTION**

1. The Amendment and Petition for Extension of Time filed on 08/24/00 have been entered.
2. Claims 2, 9 and 17-18 have been canceled.
3. Claims 1, 3-8, 10-16 and 19-22 are now under consideration.

***Information Disclosure Statement***

4. Applicant filed an IDS with form PTO-1449 on 07/22/99 and 08/13/99. The Examiner has attached a copy of PTO 1449's to this office action.

***Specification***

5. The substitute specification filed 10/04/2000 has not been entered because it does not conform to 37 CFR 1.125(b) because: the statement as to a lack on new matter under 37 CFR 1.125(b) is missing; a marked up copy of the substitute specification has not been supplied (in addition to the clean copy). See MPEP 608.01 (q).

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***Response to Amendment/Arguments***

6. Applicant's arguments filed on 08/24/2000 have been fully considered and they are found persuasive.

7. The rejection of claims 1, 3-11, 13-16 and 19-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.

8. The rejection of claims 13-16 and 19-20 under 35 USC 101 because the claimed invention is not supported by either an asserted utility or a well-established utility is withdrawn.

9. The rejection of claims 1-4, 6-11, 13-16 and 19-20 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Haddleton et al., "*Identifying the Nature of the Active Species in the Polymerization of Methacrylate*," Macromolecules 1997, 30 3992-3998, published: July 14, 1994 (hereinafter "Haddleton").

10. The Examiner concurs with Applicant in that Haddleton is not a proper prior art reference. Haddleton was published on

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July 14, 1997 and the present application claims priority to a PCT application which has an international filing date of June 12, 1997.

***Allowable Subject Matter***

11. Claims 1, 3-8, 10-16 and 19-22 are allowed.

***Ex parte Quayle***

12. This application is in condition for allowance except for the following formal matters:

13. The Examiner objects to the substitute specification. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (703) 306-5926. The examiner can normally be reached on Mon-Fri, 10 AM - 8 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-3429 for regular communications and (703) 306-3429 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1495.

Robert D. Harlan  
Examiner  
Art Unit 1713

rdh  
December 18, 2000

  
DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700